

U.S. DEPARTMENT OF COMMERCE, PATENT AND TRADEMARK OFFICE		DATE: September 24, 2004
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. Application No. (if known): 10/509420
INTERNATIONAL APPLICATION NO.: PCT/JP02/12392	INTERNATIONAL FILING DATE: November 27, 2002	PRIORITY DATE CLAIMED: March 27, 2002
TITLE OF INVENTION: NOVEL ROOT-KNOT-NEMATODE-RESISTANCE GENE AND APPLICATION THEREOF		
APPLICANT(S) FOR DO/EO/US: Kazuo WATANABE and Junko WATANABE		
Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> 1. <u>XX</u> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <u> </u> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <u>XX</u> This is an express request to begin national examination procedures (35 USC 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <u>XX</u> The US has been elected (Article 31). 5. <u>XX</u> A copy of the International Application as filed (35 U.S.C. 371(c)(2)): <ol style="list-style-type: none"> a. <u> </u> is transmitted herewith (required only if not transmitted by the International Bureau). b. <u>XX</u> has been transmitted by the International Bureau. c. <u> </u> is not required, as the application was filed in the United States Receiving Office (RO/US) 6. <u>XX</u> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <u>XX</u> is attached hereto. b. <u> </u> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <u>XX</u> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <u> </u> are transmitted herewith (required only if not transmitted by the International Bureau). b. <u> </u> have been transmitted by the International Bureau. c. <u> </u> have not been made; however, the time limit for making such amendments has NOT expired. d. <u>XX</u> have not been made and will not be made. 8. <u> </u> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <u>XX</u> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <u> </u> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 		
ITEMS 11. TO 20. BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:		
<ol style="list-style-type: none"> 11. <u>XX</u> An Information Disclosure Statement under 37 CFR 1.97 and 1.98 together with the international search report, PTO-1449. 12. <u>XX</u> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. ASSIGNEE NAME AND ADDRESS: <u>UNIVERSITY OF TSUKUBA, Tsukuba-shi, Japan</u> Please publish the assignee data with the application. 13. <u> </u> A preliminary amendment. 14. <u> </u> An Application Data Sheet under 37 C.F.R. 1.76 15. <u> </u> A substitute specification. 16. <u> </u> A change of power of attorney and/or address letter. 17. <u>XX</u> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. 1.821 - 1.825. 18. <u> </u> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <u> </u> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <u>XX</u> Other items or information: 8 sheets of drawings w/a Petition for Acceptance of Color Photographs w/ \$130.00 check and form PCT/IB/306 		

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21. <input checked="" type="checkbox"/> The following fees are submitted: Basic National Fee (37 CFR 1.492(a)(1)-(5): Search Report has been prepared by the EPO or JPO:\$920.00 International preliminary examination fee paid to USPTO (37 CFR 1.482)\$730.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2))\$770.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO\$1080.00 International preliminary examination fee (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)\$100.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>	<u>CALCULATIONS</u>	<u>PTO USE ONLY</u>
\$ 920.00		

Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		
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CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
TOTAL	8 -20 =		X \$ 18.00		
INDEPENDENT	1 - 3 =		X \$ 86.00		
Multiple dependent claims(s) (if applicable)			+ \$290.00		
TOTAL OF ABOVE CALCULATIONS =				\$ 920.00	
Reduction by 1/2 for filing by small entity, if applicable. (Note 37 CFR 1.9, 1.27, 1.28).					
SUBTOTAL =				\$ 920.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +					
TOTAL NATIONAL FEE =				\$ 920.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$ 40.00	
TOTAL FEES ENCLOSED =				\$ 960.00	
				Amount to be:	
				refunded	\$
				charged	\$

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<p>a. <u>XX</u> A check in the amount of \$960.00 to cover the above fees is enclosed. (\$920.00 for basic filing fee and \$40.00 for the assignment recordation fee).</p> <p>b. <u> </u> Please charge my Deposit Account No. 50-2866 in the amount of \$<u> </u> to cover the above fees. (A duplicate copy of this sheet is enclosed.)</p> <p>c. <u>XX</u> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2866.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the application be restored to pending status.</p>	
Send All Correspondence To:	WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 Connecticut Avenue, N.W. Suite 700 Washington, D.C. 20036 CUSTOMER No. 38834
Typed or Printed Name: Stephen G. Adrian	
Reg. No.: 32,878	
Signature	Date: September 24, 2004

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24 SEP 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Kazuo WATANABE et al.**

Serial Number: **Not Yet Assigned**
(§371 of international application No. PCT/JP02/12392)

Filed: **September 24, 2004**

For: **NOVEL ROOT-KNOT NEMATODE-RESISTANCE GENE AND
APPLICATION THEREOF**

Attorney Docket No.: **042824**
Customer No.: **38834**

PETITION FOR ACCEPTANCE OF COLOR PHOTOGRAPHS

Commissioner for Patents
Mail Stop Petition
P. O. Box 1450
Alexandria, VA 22312-1450
Sir:

Date: September 24, 2004

Applicants hereby petition for acceptance of the photographs submitted concurrently herewith in the above-identified patent application (3 sets of Figures 3 and 4 of color photographs are enclosed). The color photographs are necessary for describing the invention.

Payment for the petition fee of \$130.00 is included in the enclosed check. In the event any additional fees are required, please charge our Deposit Account No. 50-2866.

Respectfully submitted,

Westerman, Hattori, Daniels & Adrian, LLP

10/01/2004 GFREY1 00000219 10509420

03 FC:1460

130.00 DP


Stephen G. Adrian

Reg. No. 32,878

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SGA/yap

Enclosures: 3 sets of Figures 3 and 4 and a check for \$130.00